

Chapter Eight – Public Involvement and Agency Coordination



PUBLIC INVOLVEMENT AND AGENCY COORDINATION

8.1 Public Involvement

8.1.1 NEPA Requirements and Goals for Public Involvement?

The National Environmental Policy Act (NEPA) of 1969 established public involvement as one of its fundamental principles in order to ensure the public ample opportunity to participate extensively throughout a project’s entire decision-making process. Public input is a regulated process that requires state agencies to consider input of specific agencies and stakeholders before a project can be approved for federal funding and construction. The level of public involvement effort through NEPA is dependent on the purpose, scope and complexity of the project, the anticipated public reaction and the magnitude of the environmental impacts. The public involvement for the I-66 project is designed to be a proactive process where the FHWA solicits broad public participation in the project’s development. Public involvement was initiated in the early stages of the development of this document and has continued throughout.

8.1.2 Public Involvement in I-66 DEIS Development

In order to ensure that accurate, timely and complete information was provided to individuals, communities and environmental justice groups in the I-66 project area, the public involvement plan involved varied communications tools and provided numerous opportunities to participate and provide feedback on the development of the project. The public outreach strategies utilized in the development of this DEIS are described herein.

8.1.3 Citizen’s Committee/Advisory Groups

A Citizens Committee was established for the I-66 Somerset to London project. The committee members were selected from various issue and interest focus areas including community, environmental/aesthetics, business, and tourism/economic development and were coordinated into sub-committees based on focus area. The citizen committee members were surveyed to identify issues and criteria that were relevant to their sub-committee and that could be used to evaluate

various alternatives throughout the project development process. Ad-Hoc committee members, representing elected or appointed officials in the study corridor, were invited to participate as their time and schedules allowed. KYTC project team members worked with each sub-committee to gather information and help provide answers to questions raised by the committee members. Citizen Committee members acted as links between the project team and other members of their communities to relay issues, decisions, questions, concerns and participation opportunities to those interested in the project.

In the development of the alternatives presented in this DEIS the citizens committee held nine meetings from October 29, 2002 through October 26, 2004. The citizens committee identified key issues and resources of interest and participated in the refinement of the 3-4 mile broad study corridor into 1000ft study bands and eventually alternatives. Minutes from each of the citizen committee meetings is included in appendix B.

8.1.4 Public Feedback Channels

Public feedback channels were used to provide the public contact with the study team. These channels include website feedback, public meeting feedback and informational mailing feedback. Examples of each of these outreach methods is included in appendix B.

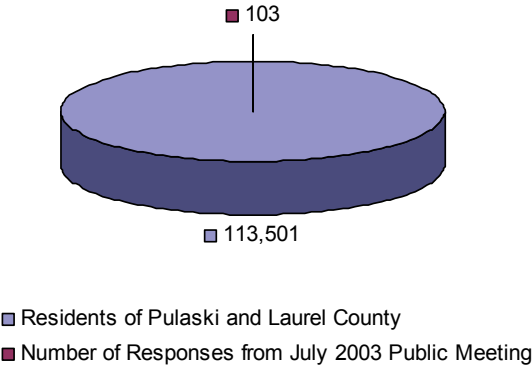
8.1.5 Public Meetings

July 2003

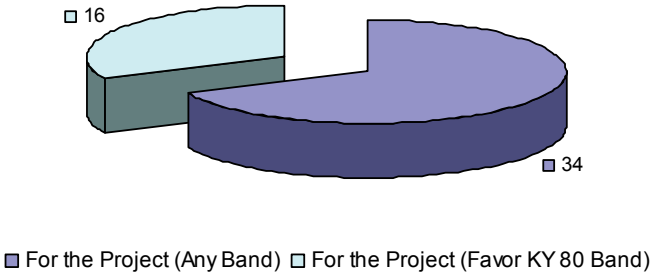
A public meeting was held on July 22, 2003 to provide the public an opportunity to review and comment on the 1000ft wide bands that were recommended by the Citizens Advisory Committee for further study. The notice of the public meeting was advertised in seven local and regional newspapers, in addition to the over 12,000 newsletters that were mailed to area residents detailing the meetings. The meeting was attended by approximately 550 citizens.

Of the approximate 113,500 residents of Pulaski and Laurel counties (2000 US Census), 103 responses (0.090% of residents) were generated from the public meetings. Of the 103 responses, 86 respondents stated a position in favor of, or against the project (50 for, 36 against). The comment matrix is included in appendix

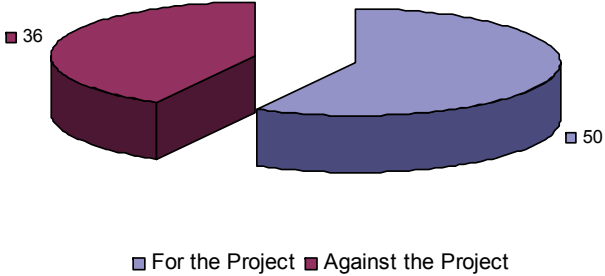
Public Meeting Responses (103) in Relation to Project Area Population



Respondents in Favor (50) of the I-66 Somerset to London Project



In Favor of/Against the Project (86 Respondents)



Respondents Who Are Opposed (36) to I-66 Somerset to London Project

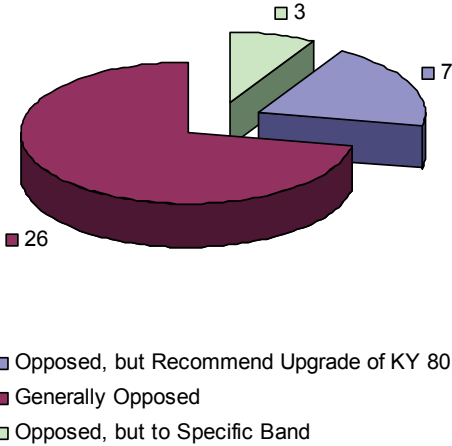


Figure 8.1.5-1 – July 2003 Public Responses to I-66 Project and Bands Identified for Further Investigation

B. Individual comments are kept at the KYTC in Frankfort and the KYTC district offices. For

information on how to view these comments see section 1.7 of this document. Summary charts of public responses are shown in figure 8.1.5-1.

November 2004

Alternatives were developed from the study bands in concert with ongoing environmental investigations (see Alternatives Chapter 3 for more detail). The alternative concepts were presented to the Citizen’s Advisory Group in the seventh group meeting on June 15, 2004. Additional meetings in July and October

preceded the public meetings. Public meetings were held on November 29th and 30th in the project area.

The notice of the public meeting was advertised in local and regional newspapers, in addition to the over 12,000 newsletters that were mailed to area residents detailing the meetings.

Of the approximate 113,500 residents of Pulaski and Laurel counties (2000 US Census), 87 responses (0.077% of residents) were generated from the public meetings. The meetings were attended by a total of 350 people. Of the 87 responses, 63 respondents stated a position in favor of, or against the project (16 for, 47 against). Many comments addressed specific

alternatives that were either supported or opposed, but there was no overwhelming support or opposition to any single alternative. The greatest recommendation for alternatives was to widen existing KY 80 to four lanes; however, many of these recommendations were to carry this into London and were not addressing the lane needs as an interstate consideration. Among the 87 responses, 25 were received from 2 or more people living at the same address amongst 10 unique households. All 25 responses were in opposition to the project, in other words, 0.023% of the project area households (43,072 - 2000 US Census) accounted for 53% of the responses in opposition (47) to the I-66 Somerset to London project. The comment matrix is included in appendix B. Individual comments are kept at the KYTC in Frankfort and the KYTC district offices. For information on how to view these comments see section 1.7 of this document. Summary charts of public responses are shown in figure 8.1.5-2.

8.1.6 Newsletters

Project newsletters were mailed to over 12,000 project area recipients prior to the two public meetings previously discussed. The first newsletter was mailed in June of 2003 and contained: meeting times and locations, the Notice of Intent (NOI) from the Federal Register, information pertaining to the Section 106 process, including how to become a consulting party, project mapping showing the recommended study bands, contact information and other pertinent project information.

The second newsletter was mailed to over 12,000 recipients in October 2004. The newsletter contained: meeting times and locations for the November public meetings, current scope of work on environmental studies and alternate development, project timeline, project mapping showing the alternatives developed from the recommended bands, contact information and other pertinent project information. Copies of these newsletters are included in appendix B.

8.1.7 Internet Web Site

An internet site located at www.interstate66.com was developed to communicate and house project related information including:

- meeting times and subsequent minutes
- the project development process and progress
- environmental and engineering updates

- project mapping
- project communications (newsletters, announcements)
- project history and documentation
- contact information

8.1.8 Public Involvement and Project Timeline

Public involvement has taken place throughout the development of this Draft Environmental Impact Statement (DEIS). Figure 8.1.8-1 shows the Environmental Impact Statement process and highlights the present activities, involving the DEIS development stage. Figure 8.1.8-2 shows the timeline from the NOI to the submittal of the DEIS, including opportunities for the public to participate in the project development.

8.2 Section 106 Process

8.2.1 Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act requires that federal agencies take into account the effects of their actions on historic resources. It also provides the opportunity for the Advisory Council on Historic Preservation to comment on the undertaking prior to implementation. Compliance with Section 106 requirements is required for any federal undertaking that has the potential to impact any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places (NHRP).

Public Meeting Responses (87) in Relation to Project Area Population

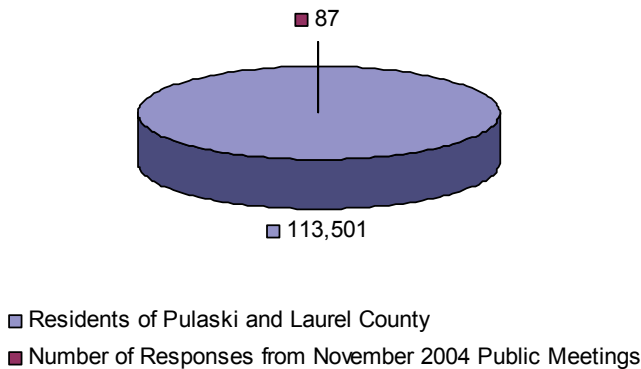
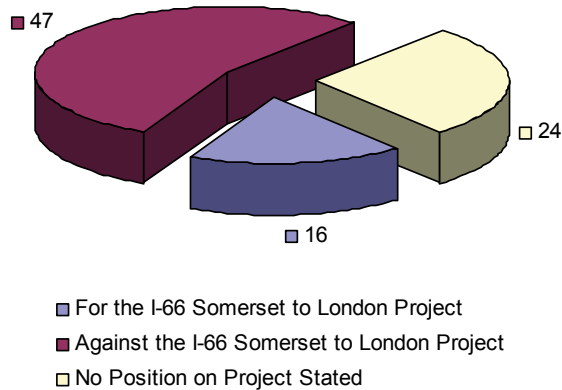


Figure 8.1.5-2 – November 2004 Public Responses to I-66 Project and Alignments

Respondents (87) Positions Toward I-66 Somerset to London Project



Environmental Impact Statement (EIS) Process

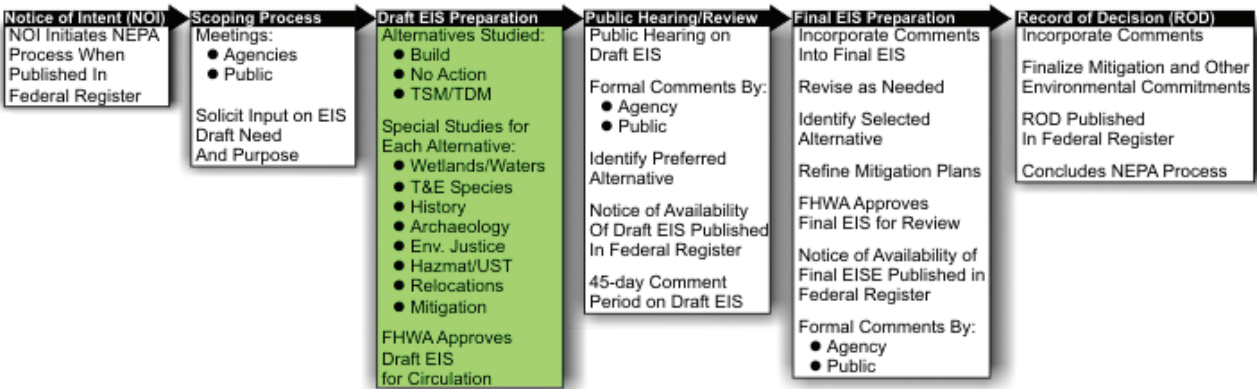


Figure 8.1.8-1 – EIS Development Process and Current Stage of Project Process

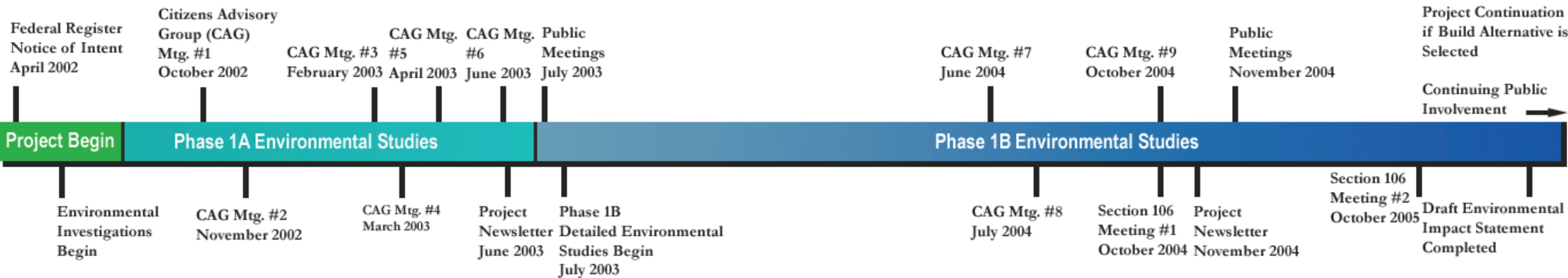


Figure 8.1.8-2 – Project Timeline Including Public Involvement

Project “Undertaking”

Federal undertakings include all actions in which a federal agency is involved either in funding, project assistance, licenses, permits, or approvals.

Consulting Parties

As provided in 36CFR Part 800, the term “consulting parties” is defined as groups or persons a Federal Agency consults with during the undertaking in order to obtain the views of the public during the 106 process. The State Historic Preservation Officer, Tribal Historic Preservation Officers and Federally Recognized Indian Tribes, local governments, and applicants for federal assistance, permits, licenses, and other approvals are automatically entitled to consulting party status. Other organizations and individuals with a demonstrated interest in the project and its effect on historic resources may request consulting party status from the applicable federal agency in order to participate in the 106 process.

Involvement in the 106 process provides consulting parties the opportunity to review project documentation and reports pertaining to the assessment of historic resources including project alternatives and the determination of the area of potential effect (APE) for historic resources. Consulting parties will in turn provide information, attend meetings, and provide input on project decisions involving these resources.

8.2.2 Invitations to Become a Consulting Party for this Project

In July, 2003, approximately 12,000 newsletters were mailed to citizens on the mailing list for the I-66 project. The advertisement included information on how to become a consulting party for the Section 106 process. Also during the July 2003 public meetings held in Somerset and London, Section 106 information was made available as part of the meeting handouts. Based on these efforts to involve the public in the Section 106 process, nine individuals and/or organizations requested and were approved for consulting party status. Additionally, consultation for the Section 106 process with the listed federally recognized Indian Tribes was initiated on May 12, 2004.

8.2.3 Section 106 Status for I-66 Somerset to London Project

Nine individuals/groups requested and were granted consulting party status for the Section 106 process.

Section 106 Meeting No. 1

The first consulting party meeting was held on October 12, 2004. The process, background information, and historic and archaeological survey and identification efforts were presented. The consulting parties were provided with a list of all resources surveyed and those determined on or eligible for the National Register of Historic Places were referenced. In addition to materials presented at the meeting, each consulting party was provided with a resource compact disc (or hard copy upon request) containing project mapping with each of the over 425 surveyed sites identified in relation the alignments. The electronic mapping contained hyperlinks to discussions of eligibility and photographs of each resource. The consulting parties provided comments within the 90 day comment period and responses were generated by historic and archaeological specialists. Meeting minutes, consulting party comments and responses are included in appendix B.

Section 106 Meeting No. 2

The second consulting party meeting was held on October 11, 2005. The focus of this meeting was to present and gather comments on the assessment of adverse effects on the identified historic properties. The consulting parties have been given the opportunity to comment on the findings and will be considered and included in the FEIS.

8.2.4 Continuation of the Section 106 Process

The first and second consulting party meetings pertained to the identification of properties that are on or eligible for the NRHP and the assessment of adverse effects from the project on those properties. Subsequent meetings will address adverse effects resolution and generation of a Memorandum of Agreement (MOA) on the effects on historic resources and measures taken to minimize and/or mitigate any adverse effects. The Section 106 process is ongoing and will continue after the publication of this document, thorough the signing of the MOA. The

Section 106 process is outlined in figure 8.2.4-1. The second consulting party meeting to discuss the assessment of adverse effects (third blue box in flow chart) will be concluded by the time this document is made available to the public.

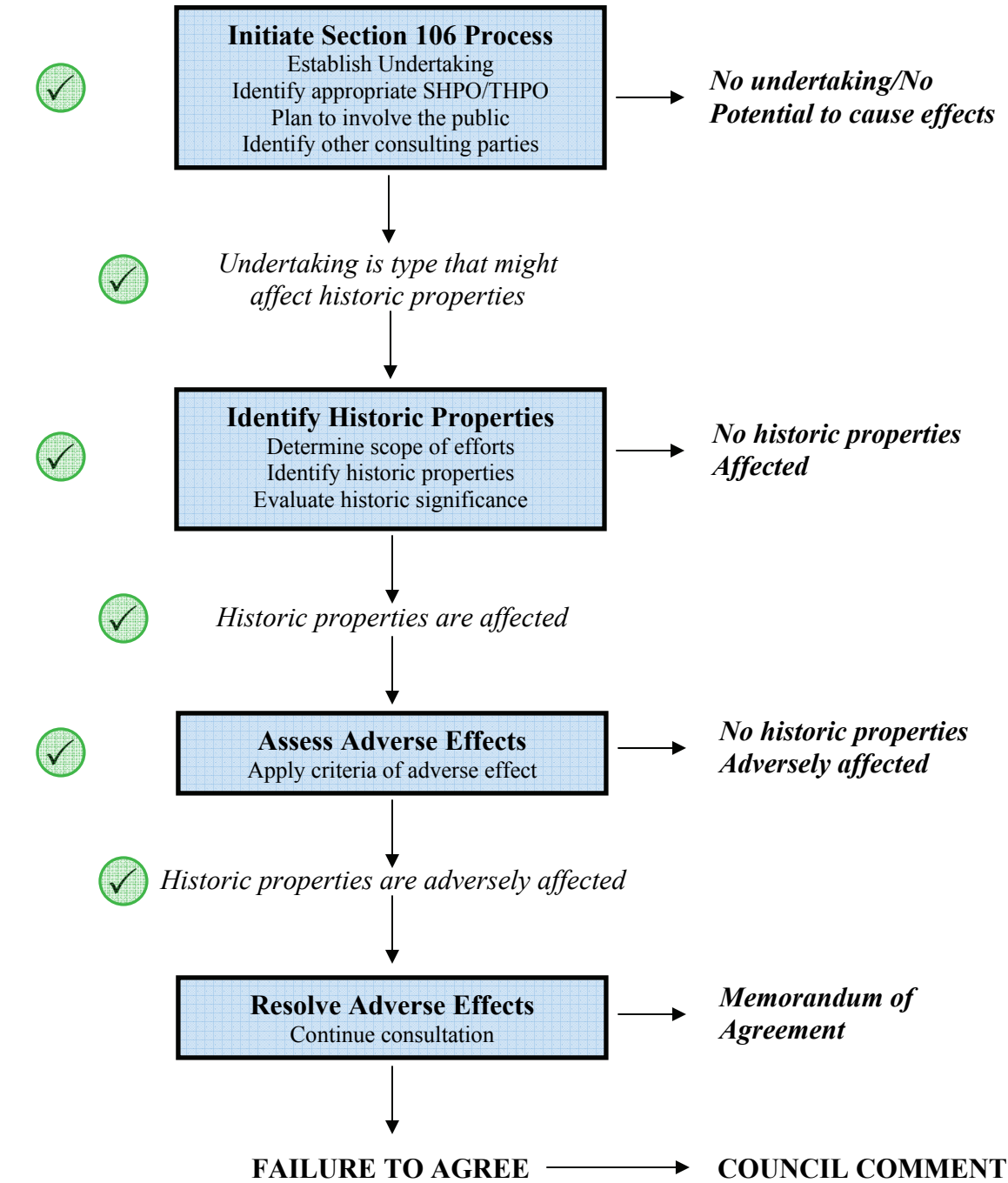


Figure 8.2.4-1 – Section 106 Process for Cultural Resources

8.3 Agency Coordination

8.3.1 Early Coordination

Early coordination materials were distributed to officials of federal, state and local agencies and other interested parties. The coordination letter in May 2002 included project history, the Notice of Intent and a map showing the project corridor. In addition to the letter soliciting input, a resource agency meeting was scheduled for June 19, 2002 to gather input from the resource agencies regarding any concerns, requirement and interests of the agencies.

8.3.2 Native American Consultation

The FHWA and KYTC invited federally recognized Indian Tribes to consult on the I-66 project. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic resources of significance to Indian tribes. The coordination letter included a project area description and map. A review of a “Map of the Former Territorial Limits of the Cherokee Nation of Indians” shows the project area within the boundaries of the Cherokee Nation until March 17, 1775 (see figure 8.3.2-1 in Appendix C). The federally recognized Indian Tribes contacted included the Eastern Band of Cherokee Indians and the United Keetoowah Band of Cherokee Indians.

8.3.3 Additional Coordination

In addition to early coordination effort, continuing coordination efforts have been conducted from 2001 through 2004. Meetings with resource agencies, including Kentucky Division of Water, United State Forrest Service and United States Fish and Wildlife Service served to update agencies on the progress and solicit any additional input on the project as it progressed from corridor studies to more detailed studies within the 1000 ft band and eventually alternatives. All coordination responses and information received from resource agencies is included in appendix B.

8.3.4 Agency Coordination Letters and References to the Utilization/Response to the information in the DEIS (in bold)

Agency comments received through all coordination efforts are on the following pages. A sample initial coordination letter, and meeting minutes are included in appendix B. Agency letters, which are summarized below, are included in appendix B.

Agency: Kentucky State Nature Preserves; Letters Dated: May 8, 2001 and October 10, 2001
Summary of Comments and Response or Reference in DEIS:

“Pine Creek Gorge is a significant area because of extensive, relatively undisturbed ravine forests, with several rare species. Many areas of the forest have an average age of greater than one hundred years, with smaller patched of much older growth. Two of the monitored community types are recorded from the area, the Appalachian Mesophytic Forest, and the Hemlock Mixed Forest. Pine Creek Gorge was recommended to the United States Forest Service by KSNPC as a natural area for protection.

Pine Creek Gorge project related information is given in section 5.2.42 of this document.

The reach of the Rockcastle River extending from North of Highway 192 upstream to the US 25 Bridge is the location of a series of high quality gravel bar communities. This project would bisect these communities.

The Rockcastle River project related information is given in section 5.2.29 (including Virginia spiraea discussion), with mussel discussions in sections 5.2.30, 5.2.52 and of this document.

You should note that several plant species included in the report have a ‘GRANK’ of ‘G3’ or higher (G2, G1). These species should be considered globally significant. Several are associated with the gravel bar habitat along the Rockcastle River, and within the Sinking Creek tributary to the Rockcastle River. *Spiraea virginiana* (Virginia spiraea, federally threatened, KSNPC threatened) occurs on gravel bars and rocky banks of second and third order streams of the Cumberland, Tennessee, and upper Ohio River drainages. Typical habitat occurs in areas with sufficient flood scour to deter woody competition. This plant can be adversely impacted by any disturbance that alters the normal stream flow or water quality. A thorough search by a qualified biologist of any suitable habitat that may be subject to disturbances affecting stream flow or water quality is recommended.

Plant species (including Virginia spiraea), are covered in sections 5.2.48 and 5.2.49.

The corridor crosses and could impact several Cumberland River tributaries that are important for rare species and aquatic biodiversity conservation. Prior to impoundment of the river to form Lake Cumberland, populations of many aquatic organisms inhabited the Cumberland River mainstem and must tributary streams, such as Buck and Pitman Creeks and the Rockcastle and Big South Fork Cumberland rivers. Impoundment of the Cumberland River and operation of the Wolf Creek Dam altered physical, chemical, and biological conditions and eliminated most native fishes, mussels, snails, etc. from the mainstem and impounded segments of tributaries. The remaining remnant aquatic communities and populations of rare species are now restricted to the free-flowing tributaries upstream from the impoundment and cannot interbreed. As a result of this habitat fragmentation and the degradation of habitat in tributary watersheds, remaining aquatic communities and populations of rare species are declining or being lost. For example, in the Little South Fork Cumberland River only nine of 26 species of freshwater mussels remain and the community viability is uncertain. Populations of the USFWS endangered *Epioblasma brevidens* and *E. capsaeformis* in Buck Creek and the Rockcastle River have been lost or are on the verge of extirpation.

Section 5.2.51 covers mussel species habitat in the project area. Section 5.2.52 includes measures to avoid disturbances to these aquatic systems.

Each major tributary crossed by or adjacent to the corridor supports a remnant population of rare organisms or an important community that could be impacted by construction, maintenance and use of the road. *Villosa trabalis* formerly occurred throughout much of the Cumberland River basin in Kentucky, Tennessee, Alabama, and Virginia. The world’s best remaining population of this USFWS and KSNPC endangered mussel inhabits Sinking Creek. Buck Creek and the Rockcastle River are among the top ten streams in Kentucky for rare organisms and aquatic biodiversity conservation.

Project area mussel discussions are given in sections 5.2.30, 5.2.52, with section 5.2.51 covering mussel species habitat in the project area. Section 5.2.52 includes measures to avoid, minimize and mitigate disturbances to these aquatic systems.

Aquatic species and habitats in the area are sensitive to increased turbidity, sediment, and other adverse influences on water quality. A written erosion control plan should be developed that includes stringent erosion control methods (i.e., straw bales, silt fences and erosion mats, immediate seeding and mulching of disturbed areas) which are placed in a staggered manner to provide several stages of control. All erosion control measures should be monitored periodically to ensure that they are functioning as planned. Our data are not sufficient to guarantee absence of endangered, threatened or sensitive species from the sites of proposed construction disturbance. I recommend that impacted streams be thoroughly surveyed by a qualified biologist prior to any in-stream disturbance.

Section 5.2.30 provides information on project related erosion control. Sections 5.2.14, 5.2.32-33 include erosion control in the discussion of minimizing the impacts to the project area’s aquatic systems and fauna.

Corynorhinus rafinesquii (Rafinesque’s big-eared bat, KSNPC Special Concern), *Myotis leibii* (eastern small-footed Myotis, KSNPC threatened) and *M. grisescens* (gray Myotis, federally listed endangered, KSNPC endangered) are known to occur within your search area. In addition, *M. sodalis* (Indiana Myotis, federally listed endangered, KSNPC endangered) is recorded from the general area, with occurrences in Pulaski, Whitley, Rockcastle, Jackson, and McCreary Counties. Suitable roost and winter sites include sandstone and limestone caves, rockhouses, clifflines and abandoned mines. Summer foraging habitats include upland forests, bottomland forests, and riparian corridors. In order to avoid impacts to bats, a thorough survey should be conducted. The survey should include a search for potential roost and wither sites, and a mistnetting census at numerous points within the proposed corridor, particularly in preferred summer habitat.

Bat surveys were conducted and included in section 5.2.48. Section 5.2.52 covers avoidance, minimization and mitigation efforts in relation to listed bat species within the project area.

Caves are often associated with sensitive ecosystems and may provide habitat for a number of rare or endangered species. Cave organisms are heavily dependant on water quality, and steps should be taken to avoid disturbances of these sensitive subterranean habitats. Because the federal Cave Protection Act calls for the protection of caves, the location of caves is not included in this report. Please contact KSNPC for more information. There are several managed areas located within the proposed project site. The Daniel Boone Forest London Ranger District is among them. The boundaries of the DBNF are not shown on the maps. Please contact the USDA Forest Service office in Winchester, Kentucky for more information on current property boundaries of the DBNF.”

Project area caves are discussed throughout this DEIS. Section 5.2.19 outlines proposed cave protection in the project area.

Agency: United States Fish and Wildlife Service; Letters Dated: November 5, 2001
Summary of Comments and Response or Reference in DEIS:

“Endangered species collection records available to the Service indicate that several federally protected species, as well as several ‘Species of Management Concern’, occur or potentially occur in the project study area. We have attached a list of these species to this correspondence. Rare aquatic species are particularly abundant in both Buck Creek and the Rockcastle River watersheds, although other streams in the area may also contain rare fish and mussels. You should assess potential impacts to the federally listed species and determine if the proposed work may affect them. A ‘may affect’ finding could necessitate initiation of formal consultation with this office and our subsequent issuance of a biological opinion. While ‘Species of Management Concern’ are not currently listed, they are being evaluated for potential listing and we would appreciate any measures that you could take to minimize adverse impacts to individuals and their habitat.

Federally noted species were surveyed for within the project area. Information on survey finding and project related impacts is included in section 5.2.28 of this document.

Information available to the Service indicates that numerous wetlands exist in the vicinity of the proposed I-66 corridor. Due to the large number of USGS quads involved, we are unable to provide copies of maps of all the known locations of existing wetlands. However, there is a website that provides digital access to National Wetlands Inventory data for the entire state of Kentucky. It should be noted that these digital maps are not to be used as a substitute for field verification. They are provided as a planning tool. The Corps of Engineers should be contacted regarding the presence of regulatory wetlands and the requirements of wetlands protection statutes.”

Wetland surveys were conducted in accordance with US Army Corps of Engineers guidelines. Discussion of project related wetland impacts is provided in section 5.2.32 of this document.

Agency: United States Coast Guard; Letter Dated: June 6, 2002
Summary of Comments and Response or Reference in DEIS:

Pursuant to the Coast Guard Authorization Act of 1982, it has been determined this is not a waterway over which the Coast Guard exercises jurisdiction for bridge administration purposes. A Coast Guard bridge permit is not required.

Information on no need for Coast Guard permit noted and included in project.

Agency: United States Army Corps of Engineers; Letter Dated: July 5, 2002
Summary of Comments and Response or Reference in DEIS:

“Our preliminary determination is that there appears to be numerous waterways along the potential corridor that may qualify as waters of the U.S. Discharges of dredged or fill material into these waters are subject to our permitting authority under Section 404. Section 404 authorization would also be required to discharge dredged or fill material into wetlands adjacent to these waters. In addition segments of Rockcastle River, Buck Creek, and Laurel River are also considered ‘navigable’ waters of the U.S. Work occurring in navigable waters may also require Section 10 authorization from this office. A Notification of Applicant Options (NAO) that explains available options regarding this preliminary determination is enclosed.

For this potential project, our particular concerns center around potential construction activities in waters of the U.S. The potential corridors should be surveyed for the presence of waters of the U.S. and federally regulated wetlands. Potential impacts to these areas should be identified and avoided to the extent practicable. Impacts to federally regulated waters and wetlands, potential alternatives, and methods that minimize such impacts must be considered in the design scheme of the project and be addressed in your environmental document.

Section 404 permit reviews include application of the Section 404 (b) (1) Guidelines, which restrict discharges into aquatic areas where less environmentally damaging practicable alternatives exist. Our evaluations include a sequential process for mitigation. Therefore, we encourage a construction plan that would avoid aquatic resource impacts. The construction of bridges that span creeks and streams rather than culverts, limiting approach fills to areas above the ordinary high water mark, incorporating erosion control measures, and avoiding stream relocations and wetland fills whenever practicable are ways that must be considered.”

Section 404 permits will be applied for upon the selection of the preferred alternative, should a build alternative be selected. Wetland impacts are covered in section 5.2.32 of this document. Section 5.2.52 includes measures to avoid disturbances to these aquatic systems.

Agency: Kentucky Division of Forestry; Correspondence Dated: January 1, 2003
Summary of Comments and Response or Reference in DEIS:

Electronic correspondence with Mark Lee, Landowner Education Specialist with Kentucky Division of Forestry dated 1/7/2003 indicated that there are no State or National Champion Trees listed for Pulaski or Laurel Counties, KY. No Kentucky State Forests are located within the project area.

Information noted for the project.

Agency: United States Department of Agriculture, Natural Resources Conservation Service; Letter Dated: April 21, 2003
Summary of Comments and Response or Reference in DEIS:

“The APE for Laurel County is approximately 10,000 acres. I estimate that 3,400 acres are presently in agricultural or residential landuses. The Remaining 6,600 acres are forested and generally too steep for farming. Since you requested information pertaining to agriculture, I will limit my comments to the 3,400 acres of cleared land within the APE.” The NRCS provided current local trends in farmland utilization and average acreage of farms. The NRCS also provided total farmland currently used in the production of commodities. Soil survey information as well as location of currently

utilized farmland within the APE was also provided.

This information was utilized in the preparation of the Socioeconomic Baseline Report and is summarized in the Farmland information in this document (Section 5.2.28).

Agency: United States Army Corps of Engineers; Letter Dated: July 30, 2003
Summary of Comments and Response or Reference in DEIS:

“We understand that you intend to utilize the routine method described in the 1987 *Corps of Engineers Wetlands Delineation Manual* to identify the wetlands located within the project area. Wetlands will be flagged in the field and located using Global Positioning System (GPS). This method appears sufficient for our review purposes.

You also noted that the project area will be investigated for unmapped perennial streams and these streams will be identified and mapped using GPS. All ephemeral and intermittent streams should be identified and mapped as well since these may also be subject to our permitting requirements under Section 404 of the Clean Water Act.”

Field surveys were conducted in accordance with this guidance from the USACOE.

Agency: Kentucky Division of Water; Letter Dated: March 8, 2004
Summary of Comments and Response or Reference in DEIS:

“Stormwater Discharge
If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) stormwater discharge permit.

Floodplain Construction
From the application data, the DOW ascertains that the site of the proposed project may be located in a floodplain area. Therefore, application must be made to the DOW for a floodplain construction permit. Permission, or exemption, depends upon design and exact site.

Water Quality
The Kentucky Transportation Cabinet should be advised that a section 401 Water Quality Certification would be required for this project for all activities regulated under section 404 of the Clean Water Act.

All applicable permits will be applied for upon the selection of the preferred alternative, should a build alternative be selected.

In deciding upon the exact Interstate highway alignment, KYTC should not assume that approval would be given for the relocation or loss of stream reaches designated as ‘Special Waters’ by the DOW. Special waters include those streams designated as state and federal wild and scenic rivers, outstanding state resource waters, cold-water aquatic habitat and exceptional waters.

The DOW is very concerned about sedimentation of streams as a result of this project. Numerous stream crossings are anticipated on outstanding resource waters, cold-water aquatic habitat, potential exceptional waters, and located in reference reach watersheds. In addition, runoff potentially laden with debris and of myriad chemical composition from the proposed interstate is likely to enter the streams and adversely impact them and the flora and fauna they support.

The DOW speculates that the United States Fish and Wildlife Service may consider many of the streams (Buck Creek and Sinking Creek) that will be crossed by Interstate 66 to be critical habitat for several federally endangered and threatened species.”

Special status streams were critically assessed for this project. Sections 5.2.29 (Special Status Streams), 5.2.30 (Erosion Control) and 5.2.42 (Significant Ecological Resources) cover the quality, importance of these aquatic systems and efforts to avoid, minimize and mitigate project related impacts.

Agency: United States Fish and Wildlife Service; Letter Dated: August 3, 2004
Summary of Comments and Response or Reference in DEIS:

“We are not asking KTTC to perform a comprehensive survey for federally listed mussels at each of the potential stream crossings associated with this project. According to the current information, there is only one alternative crossing proposed for the Rockcastle River, three alternatives for crossing Buck Creek, three alternatives for crossing Sinking Creek, and one alternative for crossing a tributary of Sinking Creek. We are comfortable with KYTC assuming that adverse effects (direct, indirect, and/or cumulative effects) could occur at each of these stream crossings, because we have information that documents listed mussels from all three streams that will be crossed. Further, an exhaustive survey of each alternative crossing is largely unnecessary because of KYTC’s intention to span each stream crossing, but KYTC must still address indirect and cumulative effects and potential impacts to critical habitat during the consultation process. This approach would help KYTC avoid direct impacts to listed mussels and potentially precludes the need for a comprehensive survey within the area of effect for each alternative crossing.

We are, instead, requesting that KYTC gather the following specific information that we need for alternatives analysis purposes:

- Qualitative data of aquatic and riparian habitat availability and quality within the footprint of each alternative crossing should be collected to assess habitat for mussels. Collected data should include, but not be limited to, substrate type and condition, stream quality, riparian health, identification of any stresses on the stream at the crossing, etc.
- Data on mussel presence or absence should be collected including, but not limited to, species identified and species richness, total number of mussels found, descriptions of where mussels are found within the stream, etc.

This information is also likely to be beneficial to KYTC in the consultation process that will occur later. In particular, we expect that this data will show that certain alternative crossings would avoid direct impacts to listed mussels and occupied mussel habitat or, at a minimum, allow KYTC to choose (or have the opportunity to choose) alternative crossings that avoid or minimize effects to listed mussels, occupied mussel habitat, and /or potential mussel habitat. Each alternative should be analyzed for its effects on listed mussels prior to determining a preferred alternative.

A mussel survey was conducted for this project. Project area mussel discussions are given in sections 5.2.30, 5.2.52, with section 5.2.51 covering mussel species habitat in the project area. Section 5.2.52 includes measures to avoid, minimize and mitigate disturbances to these aquatic systems.

Finally, we have reviewed our current records and the information that we provided KYTC in our initial response on this project, which was dated November 5, 2001. Our concerns and species list for the proposed project generally remain the same; however, we recommend that KYTC also consider potential impacts to the endangered Indiana bat (*Myotis sodalis*). We believe that summer roost habitat for this species may exist within the proposed project are in Laurel, Rockcastle, and Pulaski counties and that the species should be considered when assessing potential impacts to federally-listed species, particularly during the alternatives analysis phase.”

Section 5.2.52 includes a discussion for the avoidance, minimization and mitigation for the Indiana bat.

8.3.5 Resource Agency Meetings

Resource agency meetings were held throughout the development of the project in order to update resource agencies on environmental findings and design progress. Meeting dates and subject matter are listed here. The meeting minutes are included in appendix B.

Resource Agency Meeting – December 14, 1999

Attendees included: Natural Resources Conservation Service, Kentucky Division of Water, Kentucky Department of Air Quality, Kentucky Department of Natural Resources Environmental Protection, Kentucky Department of Fish and Wildlife, Kentucky Nature Preserves Commission, The Nature Conservancy, Kentucky Economic Development Cabinet, Kentucky Division of Forestry, and the Kentucky Department for Surface Mining.

The purpose of the meeting was to discuss resource agency involvement in the development of the I-66 project and to outline the project from planning studies to future work.

Resource Agency Meeting – June 19, 2002

Attendees included: Natural Resources Conservation Service, Kentucky Division of Water, Kentucky Department of Air Quality, Kentucky Department of Natural Resources Environmental Protection, Kentucky Department of Fish and Wildlife, Kentucky Nature Preserves Commission, The Nature Conservancy, Kentucky Economic Development Cabinet, Kentucky Division of Forestry, and the Kentucky Department for Surface Mining.

The purpose of the meeting was to exchange information and receive agency input regarding concerns, requirement and interests that the agencies had in regards to the I-66 Somerset to London Project.

Resource Agency Meeting - July 10, 2003

Resource agency meeting held to tour project site and provide resource agencies with the opportunity to ask questions and make comments regarding the project. Looked at recommendations from I-66 Citizens Committee.

United States Forest Service Meeting – June 28, 2004

The purpose of the meeting was to discuss the current status of the I-66 project and obtain comments from the USFS regarding ongoing I-66 project studies and resources on Forest Service lands.

United States Fish and Wildlife Service Meeting – June 29, 2004

The purpose of the meeting was discussing the mussel surveys for Buck Creek, Sinking Creek and the Rockcastle River. Methodologies and potential mitigation measures for federally endangered mussel species were discussed.

Kentucky Division of Water Meeting – July 8, 2004

The purpose of the meeting was to present current status of the project in relation to the Kentucky Wild River designation of the Rockcastle River and to obtain comments from the Division of Water regarding the I-66 project in terms of the Wild River statues KRS 146.210 to 146.360.